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09/923,506	08/06/2001	Victor S. Moore	BOC9-2001-0006(241)	1774

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EXAMINER

ELAHEE, MD S

ART UNIT

PAPER NUMBER

2645

DATE MAILED: 03/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 09/923,506	Applicant(s) MOORE ET AL.	
	Examiner Md S. Elahee	Art Unit 2645	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Response to Amendment***

1. This action is responsive to an amendment filed on 01/06/06. Claims 1-18 are pending.

### ***Response to Arguments***

2. Applicant's arguments filed on 01/06/06 Remarks have been fully considered but are moot in view of the new ground(s) of rejection which is deemed appropriate to address all of the needs at this time.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1, 5, 9 and 13 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The claims 1, 5, 9 and 13, recite the limitation 'said Application Service Provider services comprising a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link, each of the different software programs being distinct from applications providing access to said computer communications network'. There does not appear to be a written description of the limitation in the application as filed.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 1, 9 and 13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claims 1, 9 and 13, the phrase “said Application Service Provider services” is indefinite. Claims recite two ‘Application Service Provider services’. Therefore, it is unclear which of the two ‘Application Service Provider services’ the phrase is referring to.

### *Claim Rejections - 35 USC § 103*

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

9. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

10. Claims 1-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (U.S. 6,732,176) in view of Goldberg (U.S. 2003/0096633).

Regarding claims 1 and 9, Stewart teaches providing a short-range radio frequency communications system, the system having a wireless access point [i.e., host computing device] connected to a computer communications network over a physical communications link medium, the system being configured both to provide network provider [i.e., ASP] services over short-range radio communications links to portable computing device, PCD [i.e., wireless devices] in a Local area network [i.e., personal area network (PAN)], and also to receive provider services from other providers in the computer communications network over the physical communications link medium (abstract; fig.1, 6; col.5, lines 2-14, 25-35, 55-61, col.6, lines 15-28).

Stewart further teaches Application Service Provider services comprising a plurality of different software programs, each of the different software programs being distinct from applications providing access to said computer communications network (col.8, lines 36-38, col.13, lines 34-39, col.10, lines 38-52). However, Stewart does not specifically teach 'a plurality

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of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link'. Goldberg teaches a plurality of services [i.e., different software programs] from among which a user of a wireless device selects and interacts with via a short-range radio communications link (fig. 1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stewart to incorporate a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link in order to provide user with an option to interact with a particular service via a short range.

Stewart further teaches establishing a short-range radio communications link with a PCD in the Local area network (fig.6; col.5, lines 2-14, col.10, lines 38-52).

Stewart further teaches receiving requests for selected provider services from the PCD (col.5, lines 63-67, col.6, lines 1-4, 15-28).

Stewart further teaches determining if the wireless access point can provide the requested provider services without requiring further assistance from another provider (col.5, lines 63-67, 55-62, col.6, lines 1-4, 15-28, 62-67, col.7, lines 1-3).

Stewart further teaches if the wireless access point cannot provide the requested provider services without requiring further assistance from another provider, retrieving the requested provider services from another provider over the physical communications link medium (col.7, lines 4-23).

Regarding claims 2, 6 and 10, Stewart teaches establishing an IEEE 802.11-based communications link with the portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

However, Stewart does not specifically teach BLUETOOTH-based communications link. Goldberg teaches BLUETOOTH-based communications link (fig.4; page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stewart to incorporate BLUETOOTH-based communications link as taught by Goldberg. The motivation for the modification is to do so in order to provide user with a specific standard for a communication range.

Regarding claims 3, 4, 11 and 12, Stewart teaches establishing an 802.11 standard [i.e., IEEE 802.11b and IEEE 802.11a] based communications link with said portable device (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Regarding claim 5 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches a list of provider services which can be accessed by the PCDs in the Local area network, the list indicating which provider services can be distributed to the PCDs in the Local area network, the provider services in the list residing locally in the wireless access point and remotely in provider servers in the communications network (col.5, lines 36-50, 55-62, col.6, lines 15-28, col.7, lines 30-32, 46-61, col.8, lines 4-9, 35-49).

Regarding claims 7 and 8, a short-range radio communications system configured in accordance with 802.11 standard [i.e., IEEE 802.11a and IEEE 802.11b] (col.5, lines 8-14, 20, 21, col.10, lines 38-52).

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches receiving from the Service Providers a list of Available Service Provider services at the PCD (col.6, lines 15-28, col.8, lines 4-9).

Regarding claim 14, Stewart teaches the list of Available Service Provider services is transmitted to the PCD in response to a request [i.e., query] transmitted by the PCD (col.5, lines 63-67, col.6, lines 1-4, 15-28, col.8, lines 4-9).

Regarding claim 15, Stewart teaches the list of Available Service Provider services is transmitted to the PCD automatically from the Available Service Providers in response to detecting a presence of the PCD within the LAN (col.5, lines 55-67, col.6, lines 1-4, 15-28, col.8, lines 4-9).

Regarding claim 16, Stewart teaches the list of Available Service Provider services is transmitted to the PCD automatically from the Available Service Providers in response to detecting a presence of the PCD within the LAN (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 17, Stewart teaches prompting the PCD to register with the Available Service Providers if the PCD is not a valid subscriber (fig.4; col.11, line 54-col.12, line 10).

Regarding claim 18, Stewart teaches that the list of available services is determined based upon at least one of prioritization, transaction statistics, resources of the PCD, and resources of the communications system (fig.4; col.7, lines 30-45, col.11, line 17-col.12, line 10).

11. Claims 1, 5, 9 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stewart et al. (U.S. 6,571,221) in view of Goldberg (U.S. 2003/0096633).

Regarding claims 1 and 9, Stewart teaches providing a short-range radio frequency communications system, the system having a wireless access point [i.e., host computing device] connected to a computer communications network over a physical communications link medium, the system being configured both to provide network provider [i.e., ASP] services over short-range radio communications links to portable computing device, PCD [i.e., wireless devices] in a



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wireless local area network [i.e., personal area network (PAN)], and also to receive provider services from other providers in the computer communications network over the physical communications link medium (abstract; fig.1; col.5, line 29-col.6, line 16).

Stewart further teaches Application Service Provider services comprising a plurality of different software programs, each of the different software programs being distinct from applications providing access to said computer communications network (col.12, lines 43-47, col.15, lines 47-53, col.17, lines 50-55, 64-67, col.18, lines 1-3). However, Stewart does not specifically teach 'a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link'. Goldberg teaches a plurality of services [i.e., different software programs] from among which a user of a wireless device selects and interacts with via a short-range radio communications link (fig.1,4; page 1, paragraphs 0014, 0015, page 2, paragraphs 0025, 0026). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Stewart to incorporate a plurality of different software programs from among which a user of a wireless device selects and interacts with via a short-range radio communications link in order to provide user with an option to interact with a particular service via a short range.

Stewart further teaches establishing a short-range radio communications link with a PCD in the local area network (col.6, lines 1-16).

Stewart further teaches receiving requests for selected provider services from the PCD (col.7, lines 50-67, col.6, lines 1-13, col.9, lines 35-67, col.10, lines 1-5, 34-40).

Stewart further teaches determining if the wireless access point can provide the requested provider services without requiring further assistance from another provider (fig.4, 5; col.9, lines

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35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61).

Stewart further teaches if the wireless access point cannot provide the requested provider services without requiring further assistance from another provider, retrieving the requested provider services from another provider over the physical communications link medium (fig.4, 5; col.9, lines 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.16, lines 16-61).

Claim 5 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches a list of provider services which can be accessed by the PCDs in the Local area network, the list indicating which provider services can be distributed to the PCDs in the Local area network, the provider services in the list residing locally in the wireless access point and remotely in provider servers in the communications network (col.9, lines 23-27, 35-67, col.10, lines 1-5, 34-40, 56-67, col.13, lines 17-23, 54-67, col.14, lines 1-5, 17-62, col.15, lines 47-53).

Regarding claim 13 is rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Stewart teaches receiving from the Service Providers a list of Available Service Provider services at the PCD (col.9, lines 23-27, col.15, lines 47-53).

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Balog et al. (U.S. 2002/0022453) teach Dynamic protocol selection and routing of

content to mobile devices, Rosenberg et al. (U.S. 2003/0013434) teach Systems and methods for automatically provisioning wireless services on a wireless device and Asikainen (U.S. 6,816,724) teach Apparatus, and associated method, for remotely effectuating a transaction service.

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Md S. Elahee whose telephone number is (571) 272-7536. The examiner can normally be reached on Mon to Fri from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ME

MD SHAFIUL ALAM ELAHEE

March 14, 2006



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